

“(2) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraph (1) for any fiscal year, the Secretary first shall ratably reduce payments under subsection (b) for such year to local educational agencies that do not receive a payment under this subsection for such year.

“(ii) If additional funds become available for making payments under subsection (b) for such year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

“(B)(i) If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) after the application of subparagraph (A) for such year, then the Secretary shall ratably reduce payments under paragraph (1) to all such agencies for such year.

“(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.”.

## SEC. 2. APPLICATIONS FOR INCREASED PAYMENTS.

(a) PAYMENTS.—Notwithstanding any other provision of law—

(1) the Bonesteel-Fairfax School District Number 26-5, South Dakota, and the Wagner Community School District Number 11-4, South Dakota, shall be eligible to apply for payment for fiscal year 1994 under section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such action was in effect on September 30, 1994); and

(2) the Secretary of Education shall use a subgroup of 10 or more generally comparable local educational agencies for the purpose of calculating a payment described in paragraph (1), and the local contribution rate applicable to such payment, for a local educational agency described in such paragraph.

(b) APPLICATION.—In order to be eligible to receive a payment described in subsection (a), a school district described in such subsection shall apply for such payment within 30 days after the date of enactment of this Act.

(c) CONSTRUCTION.—Nothing in this section shall be construed to require a local educational agency that received a payment under section 3(d)(2)(B) of the Act of September 3, 1950 (Public Law 874, 81st Congress) (as such section was in effect on September 30, 1994) for fiscal year 1994 to return such payment or a portion of such payment to the Federal Government.

## SEC. 3. MAXIMUM PAYMENTS.

Subparagraph (B) of section 8003(f)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(3)) is amended to read as follows:

“(B) SPECIAL RULE.—The Secretary shall determine the maximum amount that a local educational agency described in clause (ii) or (iii) of paragraph (2)(A) may receive under this subsection in accordance with the following computations:

“(i) The Secretary shall multiply the average per-pupil expenditure for all States by 0.7, except that such amount may not exceed 125 percent of the average per-pupil expenditure for all local educational agencies in the State.

“(ii) The Secretary shall next multiply the product determined under clause (i) by the number of students who are served by the local educational agency and described in subparagraph (A) or (B) of subsection (a)(1).

“(iii) The Secretary shall next subtract the total amount of payments received by the

local educational agency under subsections (b) and (d) for a fiscal year from the amount determined under clause (ii).”.

## NOMINATIONS TO REMAIN IN STATUS QUO, WITH EXCEPTIONS

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent that all nominations received by the Senate remain in status quo, notwithstanding the provisions of Rule 31, paragraph 6, except the following:

Henry Foster; PN234-2, Thomas J. Flanagan; PN343-2, five Navy promotions to Captain and below (list begins with Christopher J. Remshak); PN632-2, Navy Promotion of Margaret V. Abrashoff; PN628-2, Navy appointment to Lieutenant—Richard Drake.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT AGREEMENT

Mr. WARNER. Mr. President, I ask unanimous consent that all items done by the Senator from Virginia, acting on behalf of the distinguished majority leader with the exception of those done in executive session, be deemed as having been done in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR SATURDAY, DECEMBER 23, 1995 AND WEDNESDAY, DECEMBER 27, 1995

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 a.m., Saturday, December 23, for a pro forma session only, and, immediately upon convening, the Senate stand in adjournment until 1 p.m. Wednesday, December 27 and following the prayer on Wednesday, the Journal of Proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then will be a period for morning business not to extend beyond the hour of 2 p.m., with statements limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. WARNER. Mr. President, the Senate could also be asked to consider any available appropriations bill, conference reports and other items cleared for action. However, rollcall votes are not anticipated during Wednesday's session and, at this point, do not look likely for Thursday's or Friday's session of the Senate.

I further ask unanimous consent that the cloture vote scheduled for today be postponed to occur at a time to be de-

termined by the two leaders, but not before January 3, 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. WARNER. I ask unanimous consent the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

## APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 103-227, appoints the following individual to the National Skill Standards Board:

Upon the recommendation of the majority leader: Raymond J. Robertson, of Virginia, representing organized labor.

The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, pursuant to Public Law 98-183, as amended by Public Law 101-180, reappoints Russell G. Redenbaugh, of Pennsylvania, to the U.S. Commission on Civil Rights.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent that, in executive session, the Senate immediately proceed to consideration of the following Executive Calendar nominations, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.